

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRY L. DEN ADEL, *et al.*,

Plaintiffs,

v.

WELLS FARGO BANK N.A.,

Defendant.

No. C11-0212RSL

ORDER GRANTING DEFENDANTS
NORTHWEST TRUSTEE
SERVICES, INC.'S MOTION FOR
SUMMARY JUDGMENT

This matter comes before the Court on “Defendant Northwest Trustee Services, Inc.’s Motion for Summary Judgment.” Dkt. # 60. Plaintiffs are proceeding *pro se* in this matter and allege claims arising from the involuntary sale of their property on December 11, 2009. In particular, plaintiffs allege that defendant Northwest Trustee Services, Inc. (“NWTs”) violated its duty under RCW 61.24.030(7) to obtain proof that Wells Fargo Bank, N.A. was the beneficiary of the note prior to recording, transmitting, or serving the notice of the trustee’s sale. NWTs has now provided evidence that it received Wells Fargo’s declaration attesting to its possession of the note prior to recoding, transmitting or serving the notice of trustee’s sale. Based on this evidence (and the evidence provided by defendants Wells Fargo and Freddie Mac with their motion for summary judgment), defendants seek dismissal of plaintiffs’ remaining claims for violations of Washington’s Deed of Trust Act and declaratory relief.

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Plaintiffs oppose dismissal, but it is not clear on what grounds. To the extent plaintiffs are raising the same objections asserted with regards to Wells Fargo and Freddie Mac, those arguments fail for the reasons set forth in this Court’s “Order Granting Defendants Wells Fargo and Freddie Mac’s Motion for Summary Judgment,” of even date. In addition, the discovery plan produced by plaintiffs in May 2011 was directed at Wells Fargo, not NWTs. The Court will not engage in speculation regarding what the record could, but does not, contain.

For all of the foregoing reasons, defendant's motion for summary judgment is GRANTED. Plaintiffs' remaining claims against NWTs are dismissed with prejudice. The Clerk of Court is directed to enter judgment in favor of defendants and against plaintiffs.

Dated this 24th day of January, 2012.

Robert S. Lasnik
United States District Judge